

**To:** Lensink, Andy[Lensink.Andy@epa.gov]  
**From:** Rauchway, Jon  
**Sent:** Tue 1/12/2016 11:17:13 PM  
**Subject:** MT Judicial Substitution Statute

Here it is: <http://leg.mt.gov/bills/mca/3/1/3-1-804.htm>

The subsection implicated here was § 3-1-804(12), MCA, which states:

When a judgment or order is reversed or modified on appeal and the cause is remanded to the district court for a new trial, or when a summary judgment or judgment of dismissal is reversed and the cause remanded, each adverse party is entitled to one motion for substitution of district judge. The motion must be filed, with the required filing fee, within 20 calendar days after the remittitur from the supreme court has been filed with the district court. There is no other right of substitution in cases remanded by the supreme court.

Jon

Jonathan W. Rauchway

**Davis Graham & Stubbs llp**

1550 Seventeenth Street, Suite 500

Denver, Colorado 80202

Tel: 303.892.7216

Fax: 303.893.1379

Cell: 303.903.3298

[jrauchway@dgsllaw.com](mailto:jrauchway@dgsllaw.com)

[vcard](#)

*This email message, and its attachment(s), is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.*